

October 21, 2005

Nancy Valderrama
City Clerk
City of Rosemead
[Address Redacted]
Rosemead, CA 91770

**Re: Your Request for Advice
Our File No. A-05-206**

Dear Ms. Valderrama:

This letter is in response to your request on behalf of the City of Rosemead for advice regarding the campaign provisions of the Political Reform Act (the "Act").¹

QUESTION

May the second pre-election campaign statement in connection with the city's February 7, 2006, recall election, covering the period through January 21, 2006, be combined with the January 31, 2006, semi-annual statement?

CONCLUSION

Candidates and committees involved in the February 7, 2006, election may file a combined statement that will satisfy the requirement to file the semi-annual statement on January 31, 2006. This combined statement will be filed on January 26, 2006, covering the period December 25, 2005, through January 21, 2006. A filing schedule containing the filing deadlines and periods covered is enclosed with this letter.

FACTS

The City of Rosemead will be conducting a recall election on February 7, 2006.

¹ Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

ANALYSIS

During an election, candidates and committees involved in the election are required to file two campaign statements disclosing contributions received and expenditures made in connection with that election. These pre-election campaign statements are generally filed 40 days before the election and again 12 days before the election. (Section 84200.8.) Semi-annual statements are filed January 31 and July 31, respectively. (Section 84200.)

There is a mechanism in the Act that permits the combining of statements when an overlapping reporting period occurs or the filing of the semi-annual statement would be an additional, unnecessary filing to the two pre-election statements. (Section 84205.) In most cases, because section 82018(a) provides that the "cumulative amount" of contributions received and expenditures made by candidates and committees is calculated on a calendar year basis (January 1 through December 31), a pre-election filing is not combined with the semi-annual statement covering through December 31 of the prior year. However, section 82018 provides that the cumulative amount of contributions received and expenditures made can be calculated over more than one calendar year under specified circumstances such as when a pre-election statement is filed in one calendar year for an election held in the following calendar year. (Section 82018(b).) In your situation, the first pre-election statement is filed in 2005 while the election will be held in 2006.

Thus, in this case, filing the two pre-election statements in connection with the February 7 election will satisfy the January 31, 2006, semi-annual filing requirement. A campaign statement filing schedule which outlines the due dates for filing statements is enclosed for your convenience.

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca
General Counsel

By: Carla Wardlow
Division Chief
Technical Assistance Division

Enclosure

CW:rd
I:\AdviceLtrs\05-206